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7 Acting Director.

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11 penitentiary, Lansing, Kansas, being held on the bank robbery
12 charge committed at Sedan, Kansas, and has not yet been tried,
13 and that Dick Gregg and his relatives are willing to furnish
14 them all information that they are able to obtain with respect
15 to these murders. Also, that they have made arrangements with
16 some other law violators and underworld characters to secure
17 certain information for them.

18
19 That Grady Drake, who was convicted at Denver of automobile
20 theft, and is now paroled to the Sheriff at Perry, Okla., was
21 propositioned to commit some of these murders, but that to
22 the present time they have not been able to make proper con-
23 nections with Grady Drake to cause him to tell the truth of
24 what he knows about these murders, and that this matter is
25 now receiving their attention and they hope in a short time
26 to obtain valuable information from Grady Drake.

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28 You will also note that Osage Indian Superintendent J. Geo.
29 Wright and Mr. Woodward, the attorney for the Osage Tribe,
30 have recently been to Washington and have examined the re-
31 ports of these Agents, and are anxious that the investigation
32 continue, and also have hopes that the investigation will ul-
33 timately be successful. Also, that they have agreed to fur-
34 nish and as a matter of fact have already furnished a Ford
35 car and the upkeep of same for the use of Agents Weiss and
36 Burger as they continue the investigation.

37
38 I realize that this has been a very long, drawn-out and ex-
39 tensive investigation, as well as expensive. Agents Weiss
40 and Burger state that they feel confident that they will ul-
41 timately be able to secure the evidence which will warrant
42 conviction in some of these cases, but they of course cannot
43 and neither can I state how long it may take them to secure
44 said evidence.

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46 I will state that Agents Weiss and Burger are confident that
47 they can complete this investigation satisfactorily, and I
48 know of no Agents in this service in whose ability I place
49 more confidence than in these two Agents, and will state that
50 I believe if these murders can be solved, that they can ul-
51 timately solve them.

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53 Knowing as I do that this has been a long, drawn-out inves-
54 tigation, with the statement above, I leave it entirely to
55 you to state whether or not the investigation should be
56 continued or discontinued.

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58 Very truly yours,
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James C. Lindley, Spec. Agt. in Charge.

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THIS CASE ORIGINATED AT Director; JOURNAL TO BE MADE AT ORIGINATING OFFICE ONLY

REPORT MADE AT: Oklahoma City	DATE WHEN MADE: July 12, 24	PERIOD FOR WHICH MADE: July 1 to 10	REPORT MADE BY: T. F. Weiss.
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TITLE AND CHARACTER OF CASE:
 W. E. SMITH, et als. Osage County, Oklahoma : Murders of Osage Indians.

FACTS DEVELOPED:
 At Oklahoma city, Okla. (62-5033 (O. C. #7060.)

REFERENCE: To all previous reports, this file, captioned as above.

This is joint report made by and for Agents T. F. Weiss and J. R. Burger, who are working jointly on these cases.

RE: MURDER OF W. E. SMITH, et als.:

July 1st, interviewed CHAS. JOHNSON, Assistant County Attorney, Fairfax, who stated that JOHN WARD of Fairfax had recently been told by WHITEY TINKER, son of ED TINKER, that he, WHITEY TINKER, was taken home at Fairfax by KELSEY MORRISON the night BILL SMITH'S house was blown up.

This is the first time we have heard of this from WHITEY TINKER and MR. JOHNSON states TINKER did not tell it until a few days ago. We have talked to ED TINKER, father, numberless times during the past nine months and he never mentioned this, though he spent several months co-operating with HERMAN FOX DAVIS, JOHN MORAN, BILL BRACKETT and other detectives on this case, and spent a lot of money.

Arranged with CHAS. JOHNSON that he will DO NOT WRITE IN THESE SPACES

APPROVED AND FORWARDED: <i>M. D. Bolling</i>	SPECIAL AGENT IN CHARGE	62-5033-96	RECORDED AND INDEXED: JUL 21 1924
REFERENCE:	COPIES OF THIS REPORT FURNISHED TO: 3 to Washington; 3 file; 1 U. S. Atty., Okla. City.	JUL 17 1924	CHECKED OFF: JUL 28 1924
	-1-	DEPARTMENT OF JUSTICE	INTERFERENCE
		ROUTED TO: HOOVER	

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see that HITMY TINKER talks directly to us agents.

MR. CHAS. JOHNSON also stated that some men had come from Bristow to Fairfax, Sunday to try to identify MORRISON as one of the Bristow bank robbers, but had not done so, although they stated the height and voice were similar; that MORRISON was taken to Bristow Sunday night in order to see if anyone there could identify him in connection with the Bristow robbery. MORRISON heard on the 25th of June that the Burns men were claiming he was connected with that robbery and called CHAS. COOK Sheriff at Pawhuska, on that date and went to see him and offered to surrender but was informed by Cook that he did not want him.

July 1st interviewed D. H. at Webb City, who stated that CHAS. QUICK is now staying with JACK HUDDLESTON at Webb City, Okla. and that MRS. HUDDLESTON told [REDACTED] that CHAS. QUICK is worried, because BLACKIE JOHNSON is out and QUICK suspects BLACKIE is getting evidence on QUICK.

[REDACTED] states that BURLEY JOHNSON is wanted on a warrant from McAlester, Okla. for auto theft and that he, [REDACTED], fully believes JOHNSON knows a lot about these SMITH murders, as JOHNSON, in fact told [REDACTED] on one occasion that he does. [REDACTED] who has known JOHNSON for years, states that he will go with Agents to JOHNSON, now that JOHNSON has eighteen months to serve in Leavenworth and believes that together we can induce JOHNSON to tell us all he knows.

[REDACTED] also stated that "SHANTY" mentioned by T. R. is really MERLE KESSLER, and that KESSLER is an outlaw now living at Webb City and was shot last fall by another outlaw known as "The Millionaire Kid" also that JACK HART was around there at the time (This may be connected

with the proposition by HART to T. R. that he and SHANTY are to bump a certain party off.)

[REDACTED] also reiterated that in 1919 BILL ^{B7D}FALE proposed to him and WALTER DOOLEN that they highjack BILL SMITH and hi-jack a man at Pawnee out of two fine diamonds, and turn them to FALE, and also proposed they rob a certain widow and kill the negro whom she had working for her at the time; that FALE told them this widow kept \$9,000.00 at her house in the country and they could "cuff her around" till they got it.

On this date, July 1st, Chief of Police HERMAN at Bristow informed Agents that KELSEY MORRISON was identified today as one of the bank robbers and that charges had been filed and MORRISON taken to the Sapulpa jail.

JIM BOWWELL is in Webb City. He is lame from wound received when he was robbing the Grenola, Okla. bank with other men about a year ago. [REDACTED] states he knows this to be a fact, and today offered, in the presence of Agents to MR. SINGULAR, an officer of said bank, to arrest BOWWELL for identification, but MR. SINGULAR, for some reason, declined saying he would see the Sheriff, but at the same time saying he was aware that BOWWELL was shot as stated.

July 2d. Interviewed KELSEY MORRISON in jail at Sapulpa. MORRISON stated that the man, SYMONS, of the robbed Bristow bank has claimed to be able to state positively that MORRISON was one of the men who robbed the bank there June 4th.

MORRISON gave Agent Weiss a complete account of his whereabouts, movements and associates June 3d, 4th and 5th, and this is being

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4 T. F. Weiss.

July 1 to 10, 1924.

5 investigated by BILL BRACKETT for MORRISON and Agents.

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7 MORRISON states that while he was in jail at Fairfax June 26th an
8 automobile theft man informed him confidentially that BILL HALE was
9 also having MORRISON held in jail to get off his bond and he, MORRISON
10 is convinced HALE is framing on him in the Bristow bank robbery.

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12 July 3d. Drove to Oilton to see BLACKIE'S mother-in-law but found
13 her and family gone to Stroud for the Fourth of July, so the neigh-
14 bors stated.

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16 Agent Burger reports J. H. POWELL was unable because of illness to
17 accompany MR. BURGER to Lansing to see DICK GREGG.

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19 DICK GREGG at Lansing prison on July 2d declined to tell Agent Bur-
20 ger direct but stated that if BLACKIE will even tell DICK GREGG'S father
21 that to clear up these murders will set BLACKIE free, then he, DICK
22 GREGG, will tell his father, who can tell us, and that it will be easy
23 to get it all from what he knows and will tell under these conditions.

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43 ALL Deletions
44 DICK GREGG is not acting hostile and remarked when off guard, "If
45 you will get CURLEY JOHNSON and squeeze him hard he will squeal".
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52 THEODORE ROSELLE stated to Agent Burger that he had written a let-
53 ter for JACK HART to "SHANTY BESSLER" at Webb, wherein HART demanded
54 money, saying he had taken the fall for them.

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56 ROSELLE stated he also learned that HART had mentioned to CLIDE
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W. T. F. Weiss.

July 1 to 10, 1924.

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PHILLIPS doing some "jot" to make some money when they got out.

PHILLIPS is ROSELLE'S partner.

ROSELLE stated that he has had very little opportunity to get intimate with HART, having only the noon hour, when others were about, but it was today arranged with Warden BIDDLE to have HART and ROSELLE made cell mates.

J. H. POWELL has promised to influence DICK GREGG'S father to get DICK tell him, the father, and Agents all DICK GREGG knows about these murders.

June 3d. Chief of Police HOWARD at Pawhuskax stated to Agent Weiss that one CLARK, a Pinkerton man, from Dallas has been working on the Bristow bank robbery and has talked to KELSEY MORRISON that said CLARK told HOWARD that he, CLARK, has checked MORRISON'S story at Pawhuska, Hominy, Fairfax, Barnsdall and Bartlesville and finds it true, and is convinced MORRISON was not in said robbery but that "seven of those old nesters at Bristow have said they identify MORRISON".

Received letter today, July 3d, from new Special Agent in Charge at Okla. City W. D. Bolling for Agents to meet him for a conference in Okla. City July 5th, which will be done. B7D

July 4th. Drove to Shidler and learned from [REDACTED]

[REDACTED] that BLACKIE has not been seen there since

June 26th. [REDACTED] stated that about that date BLACKIE was at her place for about two hours, with BURR BEAD GROVER GRADY and two young men rather small, whom she did not know (this verifies McFARLAND'S statement)

At Perry Agents arranged with BILL RICKER, Sheriff, and GEORGE FOSTER, Undersheriff, for them to call us when they have gotten GRADY

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T. F. Weiss.

July 1 to 10, 1924.

M. DRAKE in. They have written him a letter to come in and see them, as he is paroled to MR. RICKER and they will try to get DRAKE to tell them all he knows, and hold him in jail if he refuses.

Saw ODE BROWN at Pawhuska but he had no new evidence, but stated that JAMES AUTEN is very "high" on Agent Weiss. Will see AUTEN as soon as possible, as he has promised to get some evidence.

FRED TYNDALL, alias WETUMPKA, is the crooks' hangout at Shidler.

July 5th, conferred with W. D. Bolling, Spec. Agent in Charge at Okla. City. re these cases, was also informed at night, over long distance telephone by JOHN MORAN that ~~ALL Deletions~~ ^{B7D} ~~Confidential Informant~~

has just been in Pawhuska to tell us that on July 3d BLACKIE was at Shidler and is evidently staying in Osage County ~~_____~~

~~_____~~ that BLACKIE still has as his companions the two young fellows, identity not known.

~~_____~~
June 6th at Sapulpa, LOREN M. WILSON, police dept., informed Agent Weiss that he had information from Drumright to the effect that BLACKIE THOMPSON was one of the three bandits who robbed the bank at Avery, Okla. about 2:30 P. M. and about an hour later killed a local officer near there and shot JACK AIREY, Chief of Police of Drumright three times, and got away. WILSON was unable to tell how these bandits identity had been ascertained, but did state the three men were dressed in khaki unionalls, and the woman with them in slickers (looks bad; will be investigated). We left word at Webb City, Okla. with an under cover officer there, some five days ago, ~~_____~~
~~_____~~

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No one at ~~xxxxxx~~ Sheriff's office at Sapulpa, so was unable to see WELSH MORRISON.

July 7th. Had long talk with ABNER BRUCE, Sheriff at Sapulpa, who is quite friendly to Agent Weiss.

MR. BRUCE added, however, that WELSH MORRISON, within the last few days, told MR. BRUCE personally that some time ago MORRISON, BLACKIE THOMPSON and FLOYD JARRETT were talking with BILL HALE, and that HALE remarked to them in substance that as they were all wanted men or fugitives, it looked to him that the thing for them to do was to stick up some banks and leave the country.

Agent Weiss had a long talk today with MORRISON, but MORRISON denied the above statement and denied it was true.

MORRISON is frightened but of his wits, and pretended he could not remember what it was he promised Agents on June 26th to tell regarding these murders. He did tell Agent Weiss today that he, MORRISON, knows FLOYD JARRETT well, and described him, which is significant as MORRISON has twice heretofore claimed he never saw and did not know FLOYD JARRETT. MORRISON will have to come clean with Agents, and we hope he will as soon as he gets over his present scare, and see where his ~~xxxx~~ bread is buttered.

ABNER BRUCE stated that none of the four officers in the fight with the bandits June 2d had recognized any of the bandits, but that a farmer named HIRBY, living near there, and near where their abandoned car was found, had stated that three men and a woman, dressed like and answering the description of the bandits, had stayed at his place for four or five days preceding the robbery and had left the morning of

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the robbery; that these people had a Ford touring and a Ford coupe.

Also that KIRBY had positively identified a picture of BLACKIE THOMPSON as one of these people, and had stated that he was called "BLACKIE" by the others. That KIRBY claimed to not know the names of any of the others.

MR. BRUCE also stated that he had arrested MRS. GEORGE HOPKINS (BLACKIE'S mother-in-law) and her 17-year-old daughter, GEORGIA, at Oilton, and that they both told him that on July 2nd, VIRGIE, BLACKIE'S wife, had left this mother's home in Oilton between 1 and 2 PM driving a Ford touring car and that she, HOPKINS, had cried and begged VIRGIE not to go.

MR. BRUCE states that he has ascertained that BLACKIE and these two young men and BURR HEAD CADY are making headquarters at Shidler, and that MR. BRUCE has an inside man there watching for them. MR. BRUCE states he gets no assistance from the county authorities in Osage County, but expects to catch BLACKIE at Shidler by his, BRUCE'S, own efforts; that he is convinced BLACKIE was in the gang that killed LEN NOX and wounded JACK AIREY near Drumright June 2, 1924.

Agent Burger interviewed BILL RICKER, Sheriff, at Perry again on July 6th but RICKER stated GRADY DRAKE has not come in to report to him. RICKER promised to get hold of DRAKE at the earliest possible time and phone Agents at Pawhuska.

~~Confidential letter~~ from Shidler states that a lot of detectives and officers are looking for BLACKIE at Shidler.

July 8th drove to Oilton but found MRS. HOPKINS and GEORGIA gone. ROY COLGLAZER, 17 years old, who lives with them, informed Agents that

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4 T. F. Weiss.

July 1 to 10, 1924.

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5 MRS. HOPKINS has been held in jail at Drumright since July 3d in con-
6 nection with the Avery bank robbery. He claimed to not know much about
7 the matter, but stated that he had heard that BLACKIE and VIRGIE were
8 being accused of being in the robbery and being hunted. COLCIAZER in-
9 dicated that he suspected that BLACKIE and VIRGIE were really in on
10 the robbery.
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36 July 5th Agent Weiss interviewed S. J. LANKINS, HENRY MAJORS and
37 MRS. F. L. POSE and learned that BLACKIE and his wife were seen togeth-
38 er by MRS. POSE at Shidler in company with TODD WARD, about 11 PM July
39 8th, visiting a joint.

40 HENRY MAJORS states that he knows positively that the Avery bank
41 robbery was framed by two men and a woman at Pawhuska and that they
42 stole a Hudson car in Pawhuska to do the job and that BLACKIE THOMPSON
43 and his wife VIRGIE had no part whatsoever in the Avery bank deal.

44 MAJORS stated further that he talked to BLACKIE at Shidler about
45 two weeks ago [redacted]
46 [redacted] that BLACKIE did tell him,
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MAJORS that his, BLACKIE'S slate was cleaned and he was going to keep it clean and positively would not be implicated in any more jobs.

MAJORS also promised to learn and give us the names of the men and woman who did the Avery robbing and killing (but we do not bank very strongly on MAJORS).

At Pawhuska, Chief of Police HOWARD stated that a Hudson speedster was stolen from DORA NEAL, who lives near Pawhuska, the night of June 23, 1924 and has not been recovered.

July 9th, Agent Burger drove to Tulsa to work on MRS. EDITH DAVIS, 40 N. Yorktown, and on ELSIE MORRISON at Sapulpa.

BILL BRACKETT reported that he had traced KELSEY MORRISON'S movements for June 3, 4, and 5th ^{per} Agents' instructions, and finds MORRISON was in Bartlesville and Pawhuska June 4, 1924 from 12:20 AM to about 5 PM and that E. W. HAZLETT, police sergeant, stated to him that he, HAZLETT, knows personally that MORRISON was in Bartlesville, Okla. about 3 P. M. June 4th, at the time the Bristow bank was being robbed, so that MORRISON could not possibly have been one of the robbers, etc.

June 9th, A. G. MATTESON reported that JIM PARTER had informed him that ELSIE MORRISON had plead guilty to robbery of Bristow bank, June 4th and had been sentenced to thirty-five years. A. G. MATTESON also reported on July 9th, WALTER GRAY attorney of Fairfax, informed MATTESON that MORRISON had plead guilty to this charge.

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But BILL BRACKETT and Agent Burger saw MORRISON at Sapulpa, in jail, on the 9th and 10th of July and find that MORRISON had not plead guilty and is not guilty. Agent Burger personally saw MORRISON in Pawhuska June 4th about 4 P. M., the day the Bristow bank was robbed at 3 P. M. (This settles that MORRISON is innocent).

HENRY MAJORS states that a tall, medium built man, name not given, told MAJORS that he, said man, had been to see DICK GREGG at Lansing to get some evidence and that DICK GREGG had told him to go to h--l.

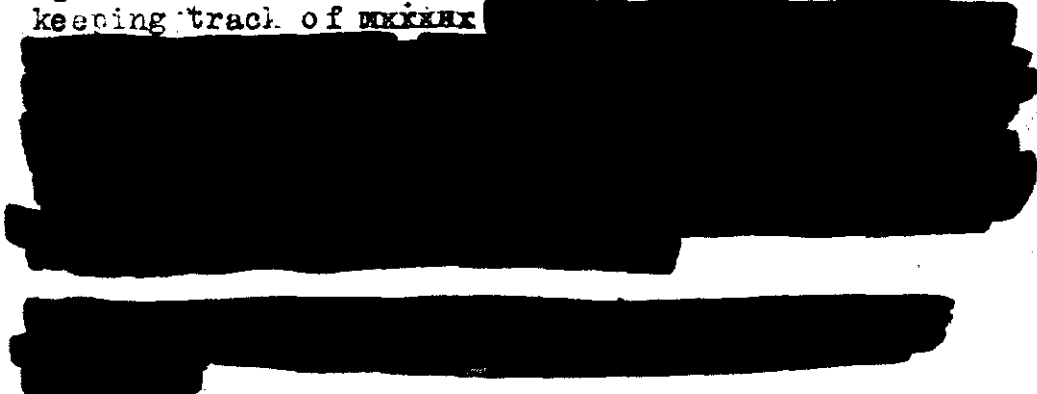
July 9th and 10th, Agent Burger tried to get in touch with EDITH DAVIS at Tulsa, but found she was not at home and was informed that she had "gone to the country" for a few days.

Agent Burger also interviewed IELSIE MORRISON in jail at Sapulpa on the 10th, but got no new information on these cases.

SUMMARY:

July 1st to July 10th.

Agents' time for these ten days mostly occupied in keeping track of ~~XXXXXX~~



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Dick Gregg, off guard, told Agent Burger that Curley Johnson knows and can be made to tell who committed at least some of these murders (Johnson is now in Leavenworth prison).

Dock Hawkins stated that Bill Hale in 1919 proposed to Hawkins and Walter Doolen that Hawkins hi-jack

Wlet

Bill Smith and also a man at Pawnee, and a woman in Osage County and kill a certain negro.

Conferred with W. D. Bolling, Special Agent in Charge at Okla. City re. the high points in these cases, and advisability of continuing investigation.

John Moran, private detective, was discharged from cases by the private persons who have heretofore been employing him.

PENDING.

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JUL 28 1924

July 23, 1924

Hon. Charles H. Burke,
Commissioner of Indian Affairs,
Department of the Interior,
Washington, D. C.

My dear Mr. Burke:

Further with regard to the case of W. E. SMITH
et al -- Birdard Osage Indians -- I am transmitting here-
with, for your information, copy of a report dated July 12,
1924, made by Agent Weiss of our Oklahoma City office.

Very truly yours,

Acting Director.

RECORDED & INDEXED

Encl. 21730

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JUL 21 1924

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Department of Justice,

Bureau of Investigation,
Oklahoma City, Okla.,

July
twenty-
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1924

Director, Bureau of Investigation,
Department of Justice,
Washington, D. C.

ATTENTION -
MR. HOOVER - 2.

RE: W. E. SMITH, et als.
Murdered Indians
O. C. No. 7060.

62-5033

Dear Sir:

In line with a recent letter written you regarding Special Agents Burger and Weiss, who are now on special assignment, investigating the Indian murder case, would be glad to have you advise if the active investigation of this case shall be discontinued on July 31st, as outlined. I believe unless something important develops that this Bureau would be justified in having this case briefed, put in such shape that it could be again taken up if requested to do so by the Department of Indian Affairs, but it appears that further investigation at this time is a waste of time and effort.

If you concur in this arrangement, please advise and will have Special Agent Weiss prepare a short brief of the file, setting out the facts developed and any undeveloped leads which he may have, so that the case can be properly handled if again taken up.

Also advise whether Special Agent Weiss shall be assigned on other cases, and whether Agent Burger shall be returned to his headquarters.

Respectfully,

D. Bolling
D. Bolling,
Special Agent in Charge.

GENERAL INTELLIGENCE DIVISION
JUL 29 1924

AUG 4 1924
RECORDED & INDEXED
62-5033-97
BUREAU OF INVESTIGATION
JUL 29 10 24 A.M.
DEPARTMENT OF JUSTICE
HOOVER FILE



W. E. Smith
W. E. Smith
W. E. Smith

W. E. Smith

July 30, 1924

62-5032-97

AUG 4 1924

Mr. W.D. Belling,
P. O. B. 122,
Oklahoma City, Okla.

Dear Sirs:

Reference is made to your letter of the 26th inst. further with regard to the present assignment of Special Agents Burger and Weiss, who for some time past have been engaged on the investigation of Indian matters.

I appreciate your suggestion and desire that you instruct these agents to get about the preparation of a brief of the file containing the facts and any undeveloped leads and pending a decision that no further action be taken on the case unless an emergency arises which would render inaction against the best interests of the Government. Agent Weiss is not to be given any further assignments as the understanding has been that he was removed on account of his acceptance of a reward which he refused to return and he was reemployed temporarily only for the present case. I want you to see to it therefore, that he completes the brief at the earliest practical moment and advise me sufficiently in advance that I may have the notification sent to him of the discontinuance of service. Mr. Burger is to return to his headquarters.

Very truly yours,

Acting Director.

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THIS CASE ORIGINATED AT **Director;**

JOURNAL TO BE MADE AT ORIGINATING OFFICE ONLY

REPORT MADE AT: Oklahoma City	DATE WHEN MADE: July 24, 24	PERIOD FOR WHICH MADE: July 11 to 21	REPORT MADE BY: T. F. Weiss.
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TITLE AND CHARACTER OF CASE:
W. E. SMITH, et als. Osage County, Okla. : Osage Indian Murders

FACTS DEVELOPED:
 At Oklahoma City, Okla., and various points. **62-5033** (C. C. #7060.)

REFERENCE: Voluminous file, captioned identically.

SYNOPSIS OF FACTS:

Arranged with John Goldsberry to force E. M. Pike to trial in September. Had conferences with Sheriff Wm. Ricker as to apprehending Grady Drake. Took J. H. Powell to interview Dick Gregg and reported result of interview. Conferred with Warden, Okla. state penitentiary as to revoking parole of Blackie Thompson. Drove about 1200 miles during past ten days in course of investigation.

DETAILS:

This is joint report for Agents J. R. Burger and T. F. Weiss, who are working jointly.

RE: MURDER OF W. E. SMITH, MRS. RITA (W.E.) SMITH and NETTIE BROOKSHIRE.

July 10th. Agent Burger arranged with John Goldsberry, County Attorney at Tulsa that he will set E. M. PIKE'S charge of highway robbery for trial and force PIKE'S bondsmen to have him there for trial or forfeit his bond and have a capias issued for him. MR. GOLDSBERRY promised to keep us advised, through our Okla. City office.

DO NOT WRITE IN THESE SPACES

APPROVED AND FORWARDED: <i>W. D. Bolling</i>	SPECIAL AGENT IN CHARGE	62-5033-98	RECORDED AND INDEXED: JUL 30 1924
REFERENCE:	COPIES OF THIS REPORT FURNISHED TO: 3 Washington; 3 file; 1 U. S. Atty., Okla. City.	BUREAU OF INVESTIGATION JUL 23 1924 DEPARTMENT OF JUSTICE	CHECKED OFF: AUG 4 1924 JACKETED:
	-1-	ROUTED TO: FILE DIVISION	GENERAL INTELLIGENCE JUL 30 1924 DIVISION

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HENR MAJORS was interviewed by Agent Weiss again on the 10th and contradicted his statements of yesterday regarding having seen BLACKIE etc. MAJORS is reliably reported to belong to the BILL HALE faction, and to be very crooked and untrustworthy. He is Chief of Police at Shidler, and knows practically all the many criminals who are being harbored there.

July 11th. At Three Sands Agent Weiss learned that one SHORTY MURPHY, said to be SHORTY MORGAN, was recently at Cromwell, Okla. "with a lot of dope, whiskey and jake" but left there, and that his wife is said to be at the White Way Hotel, Perry, Okla. under the name of ROSE MURPHY.

Interviewed ODE BROWN and MR. and MRS. CHANCE FRAZIER at Ponca, but they stated they have learned nothing new and have not seen or heard of GRADY M. DRAKE for several weeks.

Also worked under cover at Webb and Shidler in effort [redacted] and heard a lot of alleged inside information that was absolutely contradictory as to who robbed the Avery Bank. Taking this information altogether, BLACKIE, LEO STURTZ, MARK KILLIAN, GROVER CADY, VIRGIE THOMPSON and three other unidentified men constituted the three men who robbed the bank, which of course is absurd and impossible. Practically all [redacted] have their hands out for money, and not much else.

Agent Burger left for Kansas City with J. H. Powell in effort to induce DICK GREGG to tell all he knows, for a consideration.

July 14th. Agents drove J. H. POWELL to Lansing prison, where POWELL had a long talk with DICK GREGG.

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T. F. Weiss.

July 11 to 21, 1924.

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MR. POWELL reported to Agents that DICK GREGG was very wary and insisted on POWELL bringing GREGG'S father to Lansing, so that DICK GREGG and father and POWELL would all understand their agreement.

That DICK GREGG did state, however, that he, GREGG, knows who committed these Fairfax murders and who had them done; that a big stockman had them done and that two men known as bad outlaws (evidently meaning himself and AL SPENCER or BLACKIE THOMPSON) had been positioned to do the jobs but turned them down.

That DICK GREGG stated further that five or six men did all the killings and all are alive today but some are probably "inside" (meaning in prison); that a storekeeper at Okesa, known as "MAC" was the go-between in the jobs; that MAC would not tell a stranger anything, but that GREGG'S father, who is intimate with MAC, can get all the facts from MAC without MAC suspecting anything.

MR. POWELL states that DICK GREGG stated further, "It will be a short job when I tell you all I know and MAC has been seen. It will all come at once"; that DICK GREGG also insisted that his name be not divulged in the case, saying, "My life would not be worth a d--n if it were known".

It was agreed between MR. POWELL and DICK GREGG that POWELL will bring GREGG'S father to Lansing, as DICK GREGG requires, and then POWELL will be furnished with DICK GREGG'S information and GREGG'S father will then go to Okesa and get the information out of MAC and pass it on to POWELL, who will furnish it to us, in this way keeping the GREGGS' name out of the case.

MR. POWELL has arranged with Agents that he will do his part at

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5 T. F. Weiss.

July 11 to 21, 1924.

6 the earliest possible time and keep Agents posted.

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8 DICK GREGG also informed MR. POWELL that he, GREGG, would not deal
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10 with Agents unless they brought BLACKIE THOMPSON to him first, as per
11
12 GREGG'S previous statement to Agents.
13

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15 At Leavenworth interviewed T. E. ROSELLE and found he has been
16
17 in the hospital and not yet quartered with JACK HART, and this has had
18
19 no opportunity to get to HART. Warden BIDDIE stated, however, that
20
21 this would be attended to in a few days, as per our previous arrangements.
22

23 July 15th, at Topeka, Kans. ascertained from MR. SMITH, Chief
24
25 Clerk, Mayetta Indian Agency, that JACK HALE is not there. MR. SMITH
26
27 promised to learn his whereabouts and advise us by letter.

28
29 July 16th at Wichita, Kans. ascertained that neither JOHN KINNEY
30
31 nor his wife BECIA KINNEY, were in Wichita and their whereabouts were
32
33 unknown.

34
35 July 17th interviewed GEO. ED TINKER, Sr., fully regarding the
36
37 recent alleged statements of his son, GEO. ED, alias WHITEY TINKER.

38
39 MR. TINKER, Sr. stated that he had talked to said son re. the
40
41 SMITH home blowup, but his son has never mentioned anything to him
42
43 except to state that he, said son, believed he ate lunch with KELSEY
44
45 MORRISON in Fincher's restaurant at Fairfax about 11 P. M. the night
46
47 of said blowup; that said son stated further he was not sure of this,
48
49 but had some records and would look them up and let his father know,
50
51 but had not done so.

52
53 MR. TINKER, Sr. promised us today to see his son today and let us
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55 known what he learned at once.

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57 July 18th interviewed KELSEY MORRISON at Sapulpa, who told nothing
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L. T. B.

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4 T. F. Weiss.

July 11 to 21, 1924.

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6 new, but did state that he is convinced BILL HALE and the BURKHARDS
7 are responsible for the Fairfax murders and that he is determined now
8 to get the facts and help us.

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11 July 18th, interviewed CLEVE TOLLISON, Deputy Sheriff at Bristow,
12 Okla. who stated that it appears a certainty that BLACKIE THOMPSON was
13 in the Avery bank robbery and killing July 2, 1924 and that he and
14 fellow officers have a line on the bandit who was shot and he will
15 notify us promptly of all he learns regarding BLACKIE THOMPSON and
16 his movements.

17
18 July 19th, COL. WM. C. KEY, Warden, state prison, McAlester,
19 phoned that the officers of Creek County had informed him that BLACKIE
20 THOMPSON was one of the bandits who killed an officer and robbed the
21 Avery bank July 2, 1924

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53 July 20th interviewed MRS. MAMIE GILL, 911 W. 9th, Okla. City, who
54 stated that she remembers that about March, 1923 ELSIE MORRISON came
55 to her house where he and his wife were rooming, about 7 PM one evening:
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7 that she did not see him when he first arrived, but that the neighbors
8 told her he was drunk; that she did notice he left the car at the curb,
9 and that his wife (now dead) drove the car down town and put it in a
10 garage; that she, MRS. GILL, thinks this was the time MORRISON had a
11 case against him in Federal court at Oklahoma City over some whiskey.
12

13
14 MRS. GILL stated that she has no way of fixing this exact date as
15 March 9, 1925 but she thinks it must have been that date, as this thing
16 of him coming back drunk leaving the car at the curb and his wife driv-
17 ing it downtown happened but once, and on or about the day his whiskey
18 case came up in court in Oklahoma City and that he was there at her
19 house that following morning, just previous to his going downtown;
20 that she cannot swear it, but feels sure he was at her house, in his
21 rented rooms that night, as he was there next morning about 8 A. M.
22

23
24 MRS. GILL states that this is the first time anyone has ever ques-
25 tioned her about this. She seemed to be a reliable, conservative woman
26

27
28 (It is a moral certainty that MORRISON was at her house the night
29 of March 9, 1925 in Okla. City when the SMITH home was blown up at
30 Fairfax, 120 miles away.)
31

32
33 July 21st. Interviewed WM. RICKER, Sheriff, and GEO. FOSTER, Un-
34 dersheriff at Perry, Okla. and requested them to go with us or get GRADY
35 DRAKE in, as per our previous agreements, but Sheriff RICKER stated
36 that GRADY DRAKE left BERT DAVIS some weeks ago and he, RICKER, has
37 been unable to locate DRAKE or get word from him; that he, RICKER, will
38 be very busy on official business for a few days, but will locate
39 DRAKE and have him in to Perry and question him and try to get his
40 evidence within the next three or four days.
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MR. RICKER promised also that when he does get hold of DRAKE he will notify us at once and hold him till we can get there.

(We have been promised by MR. RICKER and MR. FOSTER for the past three weeks that they would get DRAKE in and get his evidence, etc. for us, but they are very negligent in doing so, owing, probably, to the fact that the August primaries are near and RICKER is running for re-election.

Agents do not consider it wise for them to go personally direct to DRAKE, but may have to do so if MR. RICKER and MR. FOSTER delay too long.

July 21st. MR. RICKER also promised to ascertain from MR. BOWDEN who runs the White Way Hotel, Perry, Okla., whether ROSE and SHORTY MURPHY are really ROSE and SHORTY MORGAN, and where SHORTY MORGAN may be found. We advised RICKER that MORGAN is wanted on an old Federal warrant (1921) for possession of whiskey in Osage County (a felony) and RICKER promised to arrest MORGAN and notify us if possible.

July 21st, interviewed J. H. POWELL, Elgin, Kansas, and learned that he has not been to see DICK GREGG, Senior, as per his promise. Arranged that we will get MR. POWELL and drive him to Shidler tomorrow to insure him doing this.

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JWB:EW
62-5033-98

July 31, 1924.

AUG 4 1924

RECORDED & INDEXED

Hon. Charles H. Burke,
Commissioner of Indian Affairs,
Department of the Interior,
Washington, D. C.

My dear Mr. Burke:

Further with regard to the case of W. E. SMITH
et al -- Murdered Osage Indians -- I am transmitting here-
with, for your information, copy of a report dated July 24,
1924, made by Agent Weiss of our Oklahoma City office.

Very truly yours,

Acting Director.

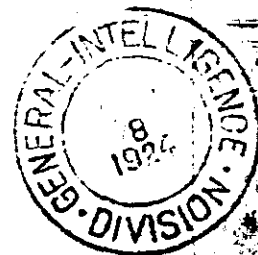
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Department of Justice,
Bureau of Investigation.



P. O. Box 125,
Oklahoma City, Okla.,
August 5, 1924.

Re: Agents Burger and Weiss

Director,
Bureau of Investigation,
Washington, D. C.

ATTENTION:- MR. HOOVER-

Dear Sir:

In reply to your letter of July 30th, initials WWG/G, I have directed Agents Burger and Weiss to prepare brief on the Indian Murder case, separating the three separate murderers and setting out a brief synopsis of this case, showing the witnesses, and their testimony, also, setting out all undeveloped leads.

Have given Agents Burger and Weiss until August 12th to complete this brief, as they have three or four other leads which they are investigation this week, and may develop some evidence. You can, therefore, notify Agent Weiss of the discontinuance of his services on August 12th, as you suggest.

In connection with Agent Weiss, he advised me that after he received his appointment as Special Agent, and executed Oath of Office, as of July 1st, that he was under the impression that his services with the Bureau would be continued. He talked this matter over with me, and I informed him that I had no knowledge of the intentions of the Director in his case, and could only be guided by instructions.

I trust this arrangement meets with your approval.

Respectfully,
W. D. Bolling
W. D. Bolling,
Special Agent in Charge.

62-5033-99
BUREAU OF INVESTIGATION
AUG 8 1924
DEPARTMENT OF JUSTICE

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Oklahoma City

Aug. 6, 1924

July 22 to 31, 1924

T. F. Weiss

W. E. MITH, et als.

Osage County, Okla.

Osage Indian Murders.

SYNOPSIS OF FACTS:

62-5033

(O. C. #7060)

Succeeded in getting J. H. Powell, Dick Gregg and Gregg's father together at Lansing, Kans. state prison at which meeting Dick Gregg, in consideration of a promise by Powell, informed Powell as to this case.

DETAILS:

REFERENCE: All previous reports, captioned identically.

At Oklahoma City, Okla.

This is joint report for Agents T. F. Weiss and J. R. Burger, who are working jointly on this case.

Agents succeeded in getting J. H. POWELL, DICK GREGG and GREGG'S father together at Lansing, Kans. state prison, at which meeting DICK GREGG, in consideration of a promise by POWELL, informed POWELL as follows:

That BILL HALE had propositioned DICK GREGG and AL SPENCER to do the Fairfax Indian murder jobs, but that GREGG and SPENCER had declined.

That BILL HALE had these murders done by and that FRANK NASH, GROVER DURELL, RICHY DIXON, AL SPENCER and a man known as "CURLEY" had done them; that the arrangements had been made between these five men and HALE, through the WILLIAMS, of Oesa, Okla.; that HALE had these men camped in his pasture for several weeks before the murders, but

Approved and forwarded:
T. F. Weiss
Special Agent in Charge.

2 Washington; 2 file;
1 U. S. Atty., O. C. -1-



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July 22 to 31, 1924.

they left their camp shortly after the murders, when one FRED HO
brought them word that "the law had a line on them".

That WENDALL POWELL, of near Nowata, Okla., knows all about these
facts, and told DICK GREGG so.

That CAMPBELL KEYS, half-brother of AL SPENCER, also knows all
the facts.

That NORRIS WADKINS also knows all the facts.

JOHN GREGG, DICK GREGG'S father, promised POWELL to see MAX BILL-
INGS in the very near future and get all the details from him and fur-
nish same to POWELL (who will furnish same to Agents) and that said
GREGG'S father will also ascertain the identity, full name and where-
abouts of said "CURLEY".

That the GREGGS again cautioned POWELL that if it became known that
he is working on the case and getting any facts, he will surely be
bumped off.

That the GREGGS also stated plainly that they are doing this sole-
ly for their own benefit, and that they will not deal with anyone but
POWELL, and on no other basis; that POWELL told them plainly that any
favors he might extend them would be dependent altogether upon their
statements and information proving true in every detail.

POWELL'S connection with Agents must not be known. He is now
working with said JOHN GREGG to develop this information, for our
benefit.

From [REDACTED] learned that BECKIE THOMPSON and wife
were at her mother's place for several days as late as July 21st and
have apparently no intention of leaving this state.

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5 T. F. Weiss.

July 20 to 31, 1924.

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7 been known to have been in Shidler or Osage County for about three
8 weeks, and that his whereabouts are unknown.

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11 July 25th. Interviewed LEE BROWN, CHANCE FRASER and wife, Papa,
12 and were informed that they have not seen GRADY DRAKE for several weeks
13 nor JAMES AUTEN, and do not know where DRAKE is now located. Arranged
14 for them to learn what they can on these points and for FRASER to go
15 with us next week to see JAMES AUTEN.

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21 S. J. HAWKINS, Webb City, also informed us today that he learned
22 positively that BEAKIE THOMPSON and wife were at her mother's in Cil-
23 ton about the 21st of this month, went from there to Bristow and do
24 not intend to leave Oklahoma ~~xxx~~ apparently.

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29 July 26th. Drove to Elgin to get J. H. POWELL, as per previous
30 arrangement, but found MRS. POWELL sick. MR. POWELL agreed to meet us
31 at Kansas City at 7 AM the 28th and to go on to Lansing and get all
32 data possible from DICK GREGG and his father.

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37 Agents drove to Independence, Kans. and on the 27th arrived at
38 Kansas City at 3 AM Sunday.

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40 July 27th, drove to Kansas City.

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43 July 28th. J. H. POWELL had the agreed interview with DICK GREGG
44 and his father at Lansing prison, Kansas.

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47 MR. POWELL states that the two GREGGS insisted on a short talk
48 by themselves, after which DICK GREGG stated to MR. POWELL that:

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51 ONE WENDALL POWELL, living near Nowat, Okla., told DICK GREGG
52 all about the Fairfax murders and (apparently referring to the BILL
53 SMITH murders) stated that the job was done by FRANK NASH, AL SPENCER,
54 RILEY DIXON, GROVER DERRILL and a man known as CUNLEY; that MAX
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July 22 to 31, 1924.

BILLINGSLEY of Okesa, Okla. acted as the go-between for BILL HALE, who had the murders done and the five men named who did the murders.

That these five men camped in HALE'S pasture for three or four weeks at the time of the murder and afterward and left there when one FRED ROWE brought them word that the "law" had a line on them just after they did the job.

That DICK GREGG stated further that CAMPBELL KEYS, half-brother of AL SPENCER, knows all about these murders, but will have to be approached under cover to get him to tell; that KEYS loves whiskey and women and can be roped in that way.

That NORRIS WADSWORTH also knows who did these jobs, but won't tell (we have a possible way to get to WADSWORTH).

MR. POWELL states that GREGG'S father has promised to get all the facts from BILL BILLINGSLEY and turn them over to POWELL (who will furnish them to us).

MR. POWELL stated that DICK GREGG again warned POWELL that POWELL will be bumped off if HALE learns POWELL is working on the case and learning anything.

GREGG'S father stated to POWELL that CURLEY is not in prison and he, GREGG, will learn CURLEY'S right name and whereabouts and give it to POWELL (probably CURLEY JOHNSON).

DICK GREGG told MR. POWELL again today that he, GREGG, was also propositioned to do one of these jobs, but declined.

DICK GREGG also told POWELL that he suspected MACKIE THOMPSON had misinformed agents and was involved himself, but gave no evidence to that effect.

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4 T. W. Weiss.

July 28 to 31, 1934.

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5 This information from DICK GREGG does not ring altogether true,
6 but will be worked out and may be substantially correct. GREGG under-
7 stands that POWELL will assist GREGG in his present Kansas bank robbery
8 charge and split the rewards in these murders with him, only on condi-
9 tion that what GREGG tells proves to be the truth; yet GREGG himself
10 is reported to be involved in these murders and may be covering himself
11 by lying to POWELL.

12 MEDALL POWELL is known to Agent Weiss as a criminal and car thief
13 and CAMPBELL KEYS is personally known by Agent Weiss.

14 The fact that MR. POWELL is working with Agents has to be kept se-
15 cret from the GREGGS so that we cannot be present to question the
16 GREGGS further on what they are telling POWELL at this time.

17 July 29th. Drove to Leavenworth and interviewed ~~THE~~ THEO ROSELIE
18 who stated that JACK BERT has not yet been quartered with him there in
19 prison so that he has had no opportunity yet to rope BERT. Warden
20 BIDDLE has promised to attend to this as soon as possible. Drove on
21 to Topeka, Kans.

22 July 30th. Inquired from R. SMITH, Chief Clerk, Indian Agency,
23 Mayetta, Kans. and learned that JACK HALE has not returned there, but
24 is said to be somewhere in the East, address unknown.

25 July 31st. From CHAS. FREDSON, attorney, Wichita, Kans. learned
26 that MRS. BECILL KILNEY is now in Washington, D. C. on business, ~~so~~ so
27 we could not interview her.

28 July 31st. At Ponca learned that CHANCE FRASER and wife left on
29 the 30th instant for a several weeks visit in Arkansas. (FRASER had
30 promised Agents positively to meet them in Ponca today and assist them
31 in finding JAMES AUTEN and getting all information possible from him.
32 We will see JAMES AUTEN personally and direct.

33 CONTINUED.
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RECORDED & INDEXED

August 13, 1924.

1924

Hon. Charles H. Burke,
Commissioner of Indian Affairs,
Department of the Interior,
Washington, D. C.

My dear Mr. Burke:

Further with regard to the case of H. E. SMITH et al
Murdered Osage Indians -- I am transmitting herewith, for your
information, copy of a report dated August 5, 1924, made by Agent
Weiss, of our Oklahoma City office.

Very truly yours,

Acting Director.

Enc. 246C4

FILE
AUG 13 1924

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THIS CASE ORIGINATED AT

JOURNAL TO BE MADE AT ORIGINATING OFFICE ONLY

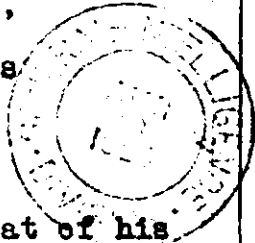
REPORT MADE AT: Oklahoma City	DATE WHEN MADE: Aug. 12, 24	PERIOD FOR WHICH MADE: Aug. 9, 1924	REPORT MADE BY: J. R. Burger.
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TITLE AND CHARACTER OF CASE:
W. E. SMITH, et als. Osage County, Okla. : Murders of Osage Indians.

FACTS DEVELOPED:
 SYNOPSIS OF FACTS: *(O. C. #7060.)*

DIGEST OF FACTS AND EVIDENCE RE. MURDER OF HENRY ROAN, FULL BLOOD OSAGE INDIAN, Osage Co., Okla., JAN. 26, 1923.

Henry Roan was a full blood Osage Indian about 40 years old who at the time of his murder on or about Jan. 26, 1923 was living with his wife, Mary, also a full blood Osage, and his children, at Fairfax, Okla. This report made jointly by Agents J. R. Burger and T. F. Weiss.



DETAILS:

Feb. 6, 1923 ROAN'S body was found in the front seat of his own car about three miles northwest of Fairfax in a swale, about 200 yards from the road. He had been shot through the head from the rear, and had evidently been dead about ten days. Was evidently murdered at the spot the body was found, as the glass of the windshield had been shattered by the bullet, which passed through his head and through the windshield, was scattered all about the car and pieces still lay on the side of the car.

ROAN'S estate vested at his death in his said wife and children. He was well liked but drank considerably. He had no enemies with the exception of one ROY BUNCH. ROY BUNCH was a worthless sort of white

DO NOT WRITE IN THESE SPACES

APPROVED AND FORWARDED: *J. D. Bolling*

SPECIAL AGENT IN CHARGE

62-5033-101

RECORDED AND INDEXED

REFERENCE: COPIES OF THIS REPORT FURNISHED TO
 3 Washington; 1 Comm. of Indian Affairs; 4 file.

BUREAU OF INVESTIGATION

CHECKED OFF

AUG 13 1924 A.M.
 DEPARTMENT OF JUSTICE

AUG 12 1924

JACKETED

ROUTED TO: HOOVER

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Aug. 9, 1924.

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6 man, about twenty-six years old, who had been intimate with ROAN'S
7 wife at and for some time previous to ROAN'S murder and who married
8 her a few months after ROAN'S death. However, infidelity and im-
9 morality is very common among the younger Osage women. ROAN knew of
10 this intimacy between BUNCH and MRS. ROAN and at one time took his gun
11 and hunted BUNCH with the avowed purpose of killing him and at other
12 times cried and complained to SAM TULK and others that BUNCH was invad-
13 ing his home, etc. ROAN also shot himself twice in apparent attempts
14 at suicide but did not seriously wound himself so that the common opin-
15 ion is that he was just trying to frighten his wife into doing right.

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17 There was a rumor that SAM TULK and BOB PARKER, officers of Fair-
18 fax, had been seen chasing ROAN for whiskey about the time of his
19 disappearance but this was investigated and shown to have been a week
20 or more before ROAN'S disappearance. ROAN took his car and left
21 home about noon, Jan. 26, 1923 went downtown got a little money from
22 his guardian and was not seen again until his dead body was found as
23 related above. Robbery could not have been the motive, as none of his
24 money or valuables were taken, but were still on his body when found.

25
26 Shortly after ROAN'S death, W. E. (BILL) HALE of Fairfax,
27 wealthy influential and unscrupulous rancher and stockman, produced an
28 insurance policy in the Capitol Life Insurance Co. of Colorado in
29 HALE'S favor, in the amount of \$25,000.00. HALE has since brought suit
30 as the insurance company refuses to pay, on the grounds of fraud and
31 misrepresentation and said suit is now pending.

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33 J. A. GUSTAFSON and his operatives and WM. BRACKETT and JOHN MORAN
34 also private detectives, were employed for some months on the case by
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4 J. R. Burger.

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6 some of ROAN'S heirs, including his widow. MORAN and BRACKETT
7 readily furnished the Government Agents all information they had, but
8 GUSTAFSON evaded doing so. In April, 1923, Frank V. Wright, a then
9 Special Agent of this Bureau, made a preliminary report but very little
10 investigation. In July, 1923, C. T. Weakley, Special Agent of this
11 Bureau, was assigned to this case and the allied ones of the W. E. SMITH
12 ANNA BROWN and CHAS. WHITEHORN murders. Agent Weakley was called back
13 to Ohio in September, 1923 and the same month Agent T. F. Weiss was
14 assigned to these cases and has been working on them continuously since,
15 with the exception of three and one-half months lost by having to be in
16 Federal court for the Government on other cases. Dec. 16, 1923 Agent
17 J. R. Burger began working jointly with Agent Weiss and has continued
18 to do so with the exception of about six weeks that Agent Burger was in
19 Federal Court on other cases for the Government. One HERMAN FOX DAVIS
20 was employed about April, 1923 by the Attorney General's office of
21 Oklahoma but was taken off after about five weeks and sent to prison
22 on a plea of guilty for bribery and graft practiced by him while os-
23 tensibly working on these cases. He apparently secured no evidence in
24 these cases. HERMAN FOX DAVIS was soon pardoned by Governor J. C.
25 WALTON but early in 1924 was tried and convicted for the murder of
26 PAUL McCARTHY, attorney at Oklahoma City, and sentenced to life im-
27 prisonment at McAlester, Okla., where he is now serving time. The
28 county authorities have done nothing in this ROAN matter.

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52 SUSPECTS AND POSSIBLE MOTIVES OR EXPLANATIONS OF ROAN MURDER:

53 These Agents have impartially followed out every lead as far as
54 possible to date and will state shortly that the evidence convinces us
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7 that ROY BUNCH and MRS. HENRY ROAN had nothing to do with this murder
8 (though this is still remotely possible). That ROAN was not killed by
9 officers as at first rumored, no doubt on this point. We are now con-
10 vinced that HENRY ROAN was murdered by assassins employed by W. K. HALE
11 for the purpose of enabling HALE to collect the \$25,000.00 on the policy
12 he held on ROAN'S life and this is the general opinion among the better
13 people in the county and among the Osage Indians.
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21 D I G E S T o f E V I D E N C E:

22 'proof of death and its cause; identification of body.

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24
25 BOB PARKER and can testify that on Feb. 6, 1923, they received
26 JIM RHODES word that an automobile was standing at the
27 side of the road about three miles northwest
28 of Fairfax, in the direction of Burbank; that they suspected it was a
29 whiskey car and went out to investigate; that they found the car stand-
30 ing about 200 yards of the back road between Fairfax and Burbank in a
31 rocky swale, down which a dim trail ran; that the car was HENRY ROAN'S
32 touring car, had all the curtains up and pointing north and a little
33 east; that HENRY ROAN'S dead body was lying on the front seat with a
34 bullet hole through the head; that the bullet showed to have entered
35 just back of the left ear and emerged just over the right eye, break-
36 ing the windshield glass; that this broken glass was strewn for about
37 twenty feet back along the car tracks and some pieces were still lying
38 on the hood of the car; that ROAN was lying on the front seat with his
39 foot just off the pedals and his head, with his cap under it, resting
40 on the right edge of the seat; that the position of ~~in~~ the body plain-
41 ly indicated that ROAN had been driving when shot from the left rear;
42 that the back burtain was unsnapped partly at the top; that there was
43 not much blood but some blood had dripped from the wound in the head,
44 just inside of the right front door and some had dripped just outside
45 the front on the right side and had been blown and lodged along the car
46 on that side back from the front door, showing that a north wind had
47 been blowing at the time and that ROAN had fallen as they found him,
48 and killed at that spot; that PARKER and JIM RHODES got the body back
49 to Fairfax, where DRS. H. B. PRENTISS and J. G. SHOUN performed an
50 autopsy on it. That they, JIM PARKER and JIM RHODES, knew HENRY ROAN
51 well in his lifetime and know positively that it was HENRY ROAN'S body
52 that they found.
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54 DR. H. B. PRENTISS and
55 DR. J. G. SHOUN,
56 Fairfax, Okla.

57 Can testify that they performed the autops-
58 y above indicated and that the wound was
59 as stated by Parker and Rhodes and that
60 said wound caused the death of said Henry

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ROAN; that his body showed to have been dead some ten days as it had been frozen stiff at first but had begun to thaw and decompose at the time it was found; that the weather had been very cold from about Jan. 26th to Feb. 3d or 4th, 1923 at which time a warm spell set in, so that ROAN must have been killed about Jan. 26th; that they, DRS. PRENTISS and SHOUN, both knew HENRY ROAN well in his lifetime, and know it was ROAN'S body that was found as no changes had occurred in the body to hinder an easy identification.

MRS. MARY ROAN, Fairfax, can testify that she last saw her husband, HENRY ROAN, alive on Jan. 24th or 25, 1923; that he left with his car, in which his body was later found, in the forenoon of that date and she never saw him alive again; that she identified his body when it was brought in to Fairfax Mar. 6, 1923 and is sure it was his body.

(NOTE) Agents have made every effort to locate the bullet that killed ROAN, but so far it appears that no one ever found it.

EVIDENCE AS TO WHERE? WHEN and BY WHOM MURDER WAS COMMITTED:

SAM TULK and BOB PARKER and a host of others can testify that ROY BUNCH and ROAN'S wife were intimate for months before ROAN'S murder as BUNCH admitted it and it was of notorious and common knowledge and that ROY BUNCH married her a few months after the murder. But so far not one iota of evidence has been secured by anyone connecting BUNCH with the murder. Both BUNCH and the wife talk freely and BUNCH, when ROAN'S body was found, remarked right away to BILL HALE and others: "Now they will all blame that on me", or words to that effect, but his behavior has been that of an innocent man at all times. ROAN'S ex-widow insists that BILL HALE had ROAN murdered for the insurance, while her present husband, ROY BUNCH, stubbornly contends that he believes SAM TULK and BOB PARKER shot ROAN while chasing him for having whiskey. (Agents are morally certain that neither BUNCH nor his wife have any knowledge as to the real facts. BUNCH is rather dull and slow-witted and has not much nerve.) The notorious relations between BUNCH and ROAN'S wife were calculated to furnish a good screen for some other person to murder ROAN, as suspicion would inevitably fall on BUNCH. HALE immediately spread broadcast what BUNCH had said to him about everybody blaming ROAN'S murder on him, BUNCH.

T. F. WEISS, Okla. City. JOHN MORAN, Tulsa, Okla. can testify that they carefully gathered together some of the pieces of glass from the shattered windshield of HENRY ROAN'S car in the spot where said car and body were found, but a year afterward, and that said glass was heavy plate; that the spot where the bullet had struck was found; that is, pieces of the glass that the bullet had struck, and that said bullet had gone completely through the glass, indicating a high-power gun must have been used; that a careful search failed to discover the bullet; that the caliber was apparently about .38.

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JOHN McLEAN, Agent for the Capitol Life Insurance, Denver, Colo., can testify that W. E. HALE made application for life insurance in said company through McLEAN for insurance in HALE'S favor on the life of HENRY ROAN in the sum of \$25,000.00; that he, McLEAN, took said application but privately advised the company to reject it, because of the fact that ROAN'S history showed him to have been syphilitic, consumptive and to have made two apparent attempts at suicide.

THE CAPITOL LIFE INSURANCE CO. records at Denver, Colo. will show that HALE afterward got this policy through in collusion with one GREEN, then Agent for said company; that said company refused payment of said policy at ROAN'S death on grounds of fraud, misrepresentation and collusion between said Agent GREEN and HALE; that HALE then sued on said policy, which suit is now pending; that HALE claimed, as the basis for his insurable interest in HENRY ROAN'S life that ROAN owed HALE at ROAN'S death on an open, unsecured, unevenced and unwitnessed account approximately said sum of \$25,000.; that HALE'S deposition avers that at one time HALE sold and delivered to HENRY ROAN one hundred head of cattle at \$130.00 per head; that no writing of any kind was made or signed to evidence this deal and no one was present to witness either the delivery or the agreement. Said life insurance company made an exhaustive investigation into this, and can furnish the names of the doctors at Fairfax who represented said company at that time and show that HALE took ROAN to Pawhuska to other doctors to get said examination of ROAN by and that the regular doctors for said company at Fairfax would have certainly shown the true facts regarding ROAN'S physican condition, suicide attempts, domestic trouble etc. which would have resulted in the rejection of the application for the insurance by HALE.

DICK STODDER, attorney, Pawhuska, Okla., has informed Agents that confidential informant, of good character and standing, has learned on several occasions that he, informant, has learned through underworld characters that BILL HALE hired the ones to kill HENRY ROAN and that DICK GREGG and JACK HART know all about it; that he STODDER got the impression from his informant that GREGG and HART actually did the murder. STODDER states that his informant refuses to talk to Agents or have his identity divulged for the reason that he, informant, is convinced that he would be murdered in short order if it ever became known that he has told the above. We are patiently trying to overcome informant's objections. We know positively that JACK HART and DICK GREGG are notorious criminals of this county and close to HALE. HART is now in Leavenworth prison, and GREGG in Lansing prison.

DICK GREGG has admitted to Agent Burger and J. H. POWELL that ERNEST BURKHART and BILL HALE propositioned him to do one or more of these Osage murders, but evaded details. GREGG also told BURGER and POWELL that BILL HALE and the BURKHARTS were responsible for these ROAN, SMITH and ANNA BROWN murders, and that MAC BILLINGS, criminal, at Okesa, Osage County, acted as go-between for HALE and the

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murderers in at least one case. (We are now patiently working GREGG out, through MR. POWELL, who has an agreement with GREGG that will save GREGG from prison if GREGG will furnish us all the evidence. However, this is slow, as GREGG is 100 per cent criminal and will tell as little as he can under the circumstances and is probably involved himself.) DICK GREGG also told IKE OGG about a year ago while GREGG was at liberty that BILL HALE had asked him, GREGG, to do one of the murders, possibly referring to this ROAN murder.

JIM PARKER? ex-convict, Pawhuska, (car theft) can testify that he has known BILL HALE and the BURKHARTS well for years; that shortly before ROAN'S murder he was at Fairfax, broke; that he was wanting money and BILL HALE remarked to him in effect "just how God ~~xxx~~ &----d tough are you?" intimating he had a "job" he wanted done; that shortly after this ROAN was murdered. (We have not approached JIM PARKER, who is a stick up man and all around robber, but have a confidential informant to work on him for further evidence.)

R E M A R K S.

The above and foregoing is a summary digest. We have omitted all evidence and information that we ran down and found to be of no value or unfounded, or proving that others did NOT commit this murder.

We have omitted also a lot of merely cumulative or possibly corroborative information showing for instance other criminal work done or sought to be instigated by BILL HALE and ERNEST BURKHART. Getting on to the case so long after the murders occurred, and after a lot of private detectives have investigated, and talked too much, has handicapped us immensely. The almost ~~universal~~ universal fear of being "bumped off" for telling or assisting in the investigation has kept many persons from telling things that might help us. We believe, however, that when evidence to convict in one of these Fairfax cases is obtained and the guilty persons arrested and held without bond that a lot of persons will come forward with important evidence in all these cases. We have slowly but surely been getting the confidence of the people in general by respecting confidences and keeping our mouths shut, and have now

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7 succeeded in getting some connections with the underworld, where the
8 opening evidence will have to come from. To suspend these investiga-
9 tions at this time would be very unwise, in our opinion, as it will
10 cause a great loss of confidence in many persons and handicap further
11 progress.
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18 UNDEVELOPED LEADS:

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20 DICK GREGG: Still to be worked out, in accordance with his
21 agreement.

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23 JOHN GREGG: Still to be worked out, in accordance with his
24 agreement.

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29 JIM PARKER: To be worked out at opportune time.

30 DICK STODDER: To get identity of and in touch with ^{D.I.} informant.

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32 GRADY DRAKE: To be questioned under pressure; he is antagonistic
33 to all law.
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36 THEODORE ROSELLE: Is arranged that he will be given good oppor-
37 tunity to "rope" JACK HART in Leavenworth prison
38 where both are confined and are "friends".
39

40 WENDALL POWELL: To be questioned at right time, as he is said
41 to know.
42

43 CAMPBELL KEYS: To be questioned at right time, as he is said
44 to know.
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46 MAMIE FLETCHER: Osage woman; said to have seen HENRY ROAN killed
47 or dead, about Jan. 25, 1923.
48

49 ANGELINA MCKINLEY: Osage woman said to have been told by her now
50 deceased husband, ALFRED MCKINLEY, that he and
51 MAMIE FLETCHER saw HENRY ROAN killed that
52 night, and that "they will kill us too if
53 we tell".
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O P E N.

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Oklahoma City AUG. 12, 24 Aug. 9, 1924

J. R. Burger

W. E. SMITH, et als.

Osage County,
Okla.: Murders of
Indians.

SYNOPSIS OF FACTS:

(O. C. #7046.)

DIGEST OF FACTS AND EVIDENCE RE. MURDER OF HENRY
ROAN, FULL BLOOD OSAGE INDIAN, Osage Co., Okla.,
JAN. 26, 1923.

Henry Roan was a full blood Osage Indian about 40
years old who at the time of his murder on or a-
bout Jan. 26, 1923 was living with his wife, Mary,
also a full blood Osage, and his children, at
Fairfax, Okla. This report made jointly by Agents
J. R. Burger and E. F. Weiss.

DETAILS:

Feb. 6, 1923 ROAN'S body was found in the front seat of his
own car about three miles northwest of Fairfax in a swale, about 200
yards from the road. He had been shot through the head from the rear,
and had evidently been dead about ten days. Was evidently murdered
at the spot the body was found, as the glass of the windshield had been
shattered by the bullet, which passed through his head and through the
windshield, was scattered all about the car and pieces still lay on the
side of the car.

ROAN'S estate vested at his death in his said wife and children.
He was well liked but drank considerably. He had no enemies with the
exception of one ROY BUNCH. ROY BUNCH was a worthless sort of white

3 Washington; 1 Comm. of
Indian Affairs; 4 file.

J. E. Burger.

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man, about twenty-six years old, who had been intimate with ROAN'S wife at and for some time previous to ROAN'S murder and who was with her a few months after ROAN'S death. However, infidelity and immorality is very common among the younger Orange women. ROAN was in this intimacy between BUNCH and MRS. ROAN and at one time took his gun and hunted BUNCH with the avowed purpose of killing him and at other times cried and complained to SAM TULY and others that BUNCH was invading his home, etc. ROAN also shot himself twice in apparent attempts at suicide but did not seriously wound himself so that the common opinion is that he was just trying to frighten his wife into doing right.

There was a rumor that SAM TULY and BOB PARKER, officers of Fairfax, had been seen chasing ROAN for whiskey about the time of his disappearance but this was investigated and shown to have been a week or more before ROAN'S disappearance. ROAN took his car and left home about noon, Jan. 26, 1924 went downtown got a little money from his guardian and was not seen again until his dead body was found as related above. Robbery could not have been the motive, as none of his money or valuables were taken, but were still on his body when found.

Shortly after ROAN'S death, W. L. (BILL) HALE of Fairfax, wealthy influential and unscrupulous rancher and stockman, produced an insurance policy in the Capital Life Insurance Co. of Colorado in HALE'S favor, in the amount of \$25,000.00. HALE has since brought suit as the insurance company refuses to pay, on the grounds of fraud and misrepresentation and said suit is now pending.

J. A. GUNZAPSON and his operatives and WM. BRACKETT and JOHN [unclear] also private detectives, were employed for some months on the case by

J. R. BURGER.

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some of ROAN'S heirs, including his widow. MORAN and BRACKETT readily furnished the Government Agents all information they had, but CUSCARI avoided doing so. In April, 1923, Frank V. Wright, a Special Agent of this Bureau, made a preliminary report but very little investigation. In July, 1923, C. T. Weakley, Special Agent of this Bureau, was assigned to this case and the allied ones of the W. E. SMITH ABEA BROWN and CHAR. MITCHELL murders. Agent Weakley was called back to Ohio in September, 1923 and the same month Agent T. Y. Weiss was assigned to these cases and has been working on them continuously since, with the exception of three and one-half months lost by having to be in Federal court for the Government on other cases. Dec. 16, 1923 Agent J. R. Burger began working jointly with Agent Weiss and has continued to do so with the exception of about six weeks that Agent Burger was in Federal Court on other cases for the Government. One HERMAN FOX DAVIS was employed about April, 1923 by the Attorney General's office of Oklahoma but was taken off after about five weeks and sent to prison on a plea of guilty for bribery and graft practiced by him while ostensibly working on these cases. He apparently secured no evidence in these cases. HERMAN FOX DAVIS was soon paroled by Governor J. C. WALTER but early in 1924 was tried and convicted for the murder of PAUL MCCARTHY, attorney at Oklahoma City, and sentenced to life imprisonment at McAlester, Okla., where he is now serving time. The county authorities have done nothing in this ROAN matter.

SUSPECTS AND POSSIBLE MOTIVES OR EXPLANATIONS OF ROAN MURDER.

These Agents have impartially followed out every lead as far as possible to date and will state shortly that the evidence convinces

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that ROY BUECH and MRS. HENRY ROAN had nothing to do with this murder (though this is still remotely possible). That ROAN was not killed by officers as at first rumored, no doubt on this point. We are now convinced that HENRY ROAN was murdered by assassins employed by W. E. HALL for the purpose of enabling HALL to collect the \$25,000.00 on the policy he held on ROAN'S life and this is the general opinion among the better people in the county and among the Osage Indians.

D I G E S T O F E V I D E N C E :

Proof of death and its cause; identification of body.

BOB PARKER and JIM RHODES can testify that on Feb. 6, 1923, they received word that an automobile was standing at the side of the road about three miles northwest of Fairfax, in the direction of Burbank; that they suspected it was a whiskey car and went out to investigate; that they found the car standing about 200 yards off the back road between Fairfax and Burbank in a rocky gulch, down which a dirt trail ran; that the car was HENRY ROAN'S touring car, had all the curtains up and pointing north and a little east; that HENRY ROAN'S dead body was lying on the front seat with a bullet hole through the head, that the bullet showed to have entered just back of the left ear and emerged just over the right eye, breaking the windshield glass; that this broken glass was strewn for about twenty feet back along the car tracks and some pieces were still lying on the hood of the car; that ROAN was lying on the front seat with his feet just off the pedals and his head, with his ear under it, resting on the right edge of the seat; that the position of the body plainly indicated that ROAN had been driving when shot from the left rear; that the back curtain was unbuttoned partly at the top; that there was not much blood but some blood had dripped from the wound in the head, just inside of the right front door and some had dripped just outside the front on the right side and had been blown and lodged along the car on that side back from the front door, showing that a north wind had been blowing at the time and that ROAN had fallen as they found him, and killed at that spot; that PARKER and JIM RHODES got the body back to Fairfax, where DR. E. B. PRENTISS and J. C. SHOWN performed an autopsy on it. That they, JIM PARKER and JIM RHODES, knew HENRY ROAN well in his lifetime and know positively that it was HENRY ROAN'S body that they found.

DR. E. B. PRENTISS and
DR. J. C. SHOWN,
Fairfax, Okla.

Can testify that they performed the autopsy as above indicated and that the wound as stated by Parker and Rhodes and that said wound caused the death of said Henry

W. E. HALL

J. P. Burger.

AUG. 9, 1924.

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ROAN; that his body showed to have been dead some ten days as it had been frozen stiff at first but had begun to thaw and decompose at the time it was found; that the weather had been very cold from about Jan. 26th to Feb. 3d or 4th, 1923 at which time a warm spell set in, so that ROAN must have been killed about Jan. 26th; that they, DRS. "HENRY" and SHOWN, both knew HENRY ROAN well in his lifetime, and know it was ROAN'S body that was found as no changes had occurred in the body to hinder an easy identification.

MRS. MARY ROAN, Fairfax, can testify that she last saw her husband, HENRY ROAN, alive on Jan. 24th or 25, 1923; that he left with his car, in which his body was later found, in the forenoon of that date and she never saw him alive again; that she identified his body when it was brought in to Fairfax Mar. 6, 1923 and is sure it was his body.

(NOTE) Agents have made every effort to locate the bullet that killed ROAN, but so far it appears that no one ever found it.

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SAM TULEY and BOB PARKER and a host of others can testify that ROY BUNCE and ROAN'S wife were intimate for months before ROAN'S murder as BUNCE admitted it and it was of notorious and common knowledge and that ROY BUNCE married her a few months after the murder. But so far not one iota of evidence has been secured by anyone connecting BUNCE with the murder. Both BUNCE and the wife talk freely and freely when ROAN'S body was found, remarked right away to BILL HALE and others, "Now they will all blame that on me", or words to that effect, but his behavior has been that of an inn cent man at all times. ROAN'S ex-widow insists that BILL HALE had ROAN murdered for the insurance, while her present husband, ROY BUNCE, stubbornly contends that he believes SAM TULEY and BOB PARKER shot ROAN while chasing him for having whiskey. (Agents are morally certain that neither BUNCE nor his wife have any knowledge as to the real facts. BUNCE is rather dull and slow-witted and has not much nerve.) The notorious relations between BUNCE and ROAN'S wife were calculated to furnish a good screen for some other person to murder ROAN, as suspicion would inevitably fall on BUNCE. HALE immediately spread broadcast what BUNCE had said to him about everybody blaming ROAN'S murder on him, BUNCE.

T. F. WEISS, Okla. City, and JONE MORAN, Tulsa, Okla. Can testify that they carefully gathered together some of the pieces of glass from the shattered windshield of HENRY ROAN'S car in the spot where said car and body were found, but a year afterward, and that said glass was heavy plate; that the spot where the bullet had struck was found; that is, pieces of the glass that the bullet had struck, and that said bullet had gone completely through the glass, indicating a high-power gun must have been used; that a careful search failed to discover the bullet; that the caliber was apparently about .38.

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DICK GREGG has admitted to Agent Burger and J. E. POWELL that ERNEST BUNKHART and BILL HALE propositioned him to do one or more of these Osage murders, but evaded details. GREGG also told BURGER and POWELL that BILL HALE and the BUNKHART were responsible for these ROAN, SMITH and ANNA BROWN murders, and that MAC BILLINGS, of final, at Ossa, Osage County, acted as go-between for HALE and the

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murderers in at least one case. (We are now patiently working GREGG out, through MR. POWELL, who has an agreement with GREGG that will save GREGG from prison if GREGG will furnish us all the evidence. However, this is slow, as GREGG is 100 per cent criminal and will tell as little as he can under the circumstances and is probably involved himself.) DICK GREGG also told IKE GOS about a year ago while GREGG was at liberty that BILL HALE had asked him, GREGG, to do one of the murders, possibly referring to this ROAN murder.

JIM PARKER, ex-convict, Pawhuska, (car theft) can testify that he has known BILL HALE and the BURKHARTS well for years; that shortly before ROAN'S murder he was at Fairfax, broke; that he was wanting money and BILL HALE referred to him in effect "just how God say d----d tough are you?" intimating he had a "job" he wanted done; that shortly after this ROAN was murdered. (We have not approached JIM PARKER, who is a stick up man and all around robber, but have a confidential informant to work on him for further evidence.)

REMARKS.

The above and foregoing is a summary digest. We have omitted all evidence and information that we ran down and found to be of no value or unfounded, or proving that others did NOT commit this murder.

We have omitted also a lot of merely cumulative or possibly corroborative information showing for instance other criminal work done or sought to be instigated by BILL HALE and ERNEST BURKHART. Getting on to the case so long after the murders occurred, and after a lot of private detectives have investigated, and talked too much, has handicapped us immensely. The almost universal fear of being "bumped off" for telling or assisting in the investigation has kept many persons from telling things that might help us. We believe, however, that when evidence to convict in one of these Fairfax cases is obtained and the guilty persons arrested and held without bond that a lot of persons will come forward with important evidence in all these cases. We have slowly but surely been getting the confidence of the people in general by respecting confidences and keeping our mouths shut, and have now

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succeeded in getting some connections with the underworld, where the opening evidence will have to come from. To suspend these investigations at this time would be very unwise, in our opinion, as it will cause a great loss of confidence in many persons and handicap further progress.

UNDEVELOPED LEADS:

- DICK GREGG: still to be worked out, in accordance with his agreement.
- JOHN GREGG: Still to be worked out, in accordance with his agreement.
- KELSEY MORRISON: Is now out of jail and working with some underworld men and women under cover for us.
- JIM PARKER: To be worked out at opportune time.
- DICK STODDER: To get identity of and in touch with his informant.
- GRADY DRAKE: To be questioned under pressure; he is antagonistic to all law.
- THEODORE R BELLE: Is arranged that he will be given good opportunity to "rope" JACK HART in Leavenworth prison where both are confined and are "friends".
- VENDALL POWELL: To be questioned at right time, as he is said to know.
- CAMPBELL KEYS: To be questioned at right time, as he is said to know.
- MAMIE FLETCHER: Osga woman; said to have seen HENRY ROAN killed or dead, about Jan. 25, 1923.
- ANGELINA MCKINLEY: Osga woman said to have been told by her now deceased husband, ALFRED MCKINLEY, that he and MAMIE FLETCHER saw HENRY ROAN killed that night, and that "they will kill us too if we tell".

O P H E.

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Oklahoma City Aug. 13, 24 Aug. 9, 1924

J. R. Burger.

T. E. SAUER, et al.

Osage County,
Okla.

: Murders of Osage
Indians.

SYNOPSIS OF FACTS:

(O. C. #7060.)

Digest of facts and evidence re. murder of Charles
Whitehorn, full blood Osage Indian, Osage County,
Okla., May 15, 1921. This is joint report of
Agents J. R. Burger and T. F. Nelson.
SPECIAL REPORT.

DETAILS:

CHARLES WHITEHORN was a full blood Osage Indian, living at Paw-
huska, Okla. with his wife, BATTIE WHITEHORN, now MRS. BATTIE SMITH-
MAR. CHAS. WHITEHORN was about thirty years of age, well liked, but
quite a drinker of whiskey. His wife was a half-breed Cheyenne woman
who had been twice married before and of a very [redacted] and
[redacted]. ^{B7C} They had no children, but she had a
young daughter, named WYONA, seven years of age, by her first husband.
The WHITEHORNS in May, 1921 were living in a house with one MINNIE SAV-
AGE, divorced wife of one EARL SAVAGE. MINNIE SAVAGE was [redacted]
[redacted] ^{B7C} Her ex-husband, EARL SAVAGE,
was also hanging around this house, bootlegging whiskey. One DECKY
SUTTON, of poor character, was staying at said house, bootlegging. EVA
LOOKLIN, sister of MINNIE SAVAGE, and wife of ROY LOOKLIN, both of the

3 Washington; 4 file;
Comm. of Indian Affairs.

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poorest character, were also around said house a lot of the time.

[REDACTED] DANIEL HUGHES, brother to MINNIE and RYAN

whose maiden names were also HUGHES, lived close by, and were also logging.

One ROY SMITHERMAN, a painter, was an associate of MINNIE

SAVAGE, living in Pawhuska at the time. He and WHITEHORN'S widow, RATTIE

WILKINS, were married at Tulsa a few weeks after WHITEHORN'S murder.

at MINNIE SAVAGE'S suggestion.

On Friday, May 14, 1921 CHAS. WHITEHORN attended a ball game

at Pawhuska and was slightly drunk. He was seen that evening about six

P. M. on the streets of Pawhuska. His wife, RATTIE, declares that he

accompanied her from a doctor's office to the stairs leading up the

hill to their said residence about 9 P. M. that evening; that she went

on up to the house and he went down in the direction of the post office

stating that he was going to Pershing, seven miles away, that night with

some fellows; that this was the last time she ever saw him alive. And

this is the last time that the evidence shows, thus far, that any one

saw him alive.

On Saturday, May 22, 1921 EARL FOWLER, a pumper at Pawhuska, found

WHITEHORN'S dead body in the thick brush on Trial Hill, on the north-

ern outskirts of Pawhuska, with two bullet holes, small calibre, in his

forehead, between the eyes. The body was badly decomposed, but readily

identified by his widow and others. No powder burns appeared around

the wounds. The bullets were extracted from the brain and preserved

by L. C. JOHNSON, undertaker, who has them in his possession.

WHITEHORN'S estate, worth about \$80,000.00, was inherited by

said widow, RATTIE, and she a few weeks later married a man ROY

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SMITHMAN and moved to Arkansas City, Kans. where they lived together for about two years, at which time SMITHMAN took her high priced car, \$1,500.00 of her money and other valuables and went to Los Angeles, Calif. in company with a girl from Arkansas City about nineteen years old named MAUDINE WILLIAMS, and with whom he lived in California as man and wife for some months.

J. A. GUNTERSON, JOHN MARRIN and other private detectives were employed soon after the murder by WHITEHORN'S heirs, including ESTHER, the widow, but developed no evidence of value as to who the guilty persons were.

Some investigation of this case was made by C. T. Weakley, who was assigned this case, along with other Osage murders, in July, 1923. Weakley discontinued in September, 1923 and Agent Weiss took the case up, along with three other Osage murders, at the same time. Agent Burger joined Agent Weiss on these cases Dec. 16, 1923.

D I G E S T o f E V I D E N C E .

Proof of death and its cause. Identification of Body.

EARL POWLER, Pawhuska, Okla. can testify that on Saturday, May 31, 1921 he discovered the body of Charles Whitehorn lying on the ground in the brush on Dial Hill, just north of Pawhuska; that death had occurred some days before, as the body was swollen and decomposed to a certain extent; that there were two holes, evidently bullet holes, between the eyes and that death evidently had occurred and the body fallen where he found it; that he notified the authorities at Pawhuska at once.

L. G. JOHNSON, Underaker, Pawhuska, Okla. can testify that he was called, examined the body where found and the surrounding ground and prepared the body for burial; that he is convinced that Whitehorn was shot and killed where the body was found and not transported there from some other spot as the position of the body, condition of the clothes and ground all indicated this; that there were two bullet holes in the forehead, between the eyes, and he

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and the doctors he will have extracted these bullets from the brain; that he has these bullets in his possession and they are of small calibre about .32 calibre; that no other marks of violence or wounds existed, and death must have been caused, instantaneously, by these bullet wounds; that there was no powder or powder burn around said bullet wounds; that ~~xxxxx xxx~~ death must have occurred, evidently, about one week before the body was found. (Mr. Johnson has had wide experience in cases of this kind.)

HATTIE WHITEHORN, can testify that she positively identified said body as that of her husband, Chas. Whitehorn, and many others can be named who did this.
 now Smitherman,
 Muskogee, Okla.

SUSPECTS, and POSSIBLE MOTIVS OR EXPLANATIONS FOR MURDER.

CHARLES WHITEHORN'S had frequently quarreled with him and he has occasionally beaten her. She had also threatened on one or two of these occasions to kill him. By his death she inherited quite a valuable estate from him. She had no love for him or apparently any particular man. Her character was extremely low and degenerate. She is rumored to have told the facts of the murder to a certain attorney. She did marry Leroy Smitherman a few weeks after Whitehorn's murder (but the evidence is that she did not know Smitherman at the time Whitehorn was killed.) Agents have become well acquainted with her during this investigation and believe her easily capable of having the murder done if she desired.

MINNIE SAVAGE is known to be a shrewd, immoral, capable woman. She had the widow marry Smitherman, with whom Minnie Savage was intimate and very friendly at the time of the murder, a few weeks after the murder. One theory is that Minnie Savage planned to have Whitehorn murdered then marry Hattie to Smitherman then have Hattie murdered and marry Smitherman herself, thus getting into possession of the Whitehorn property, which yields the widow about \$500.00 a month, besides some lands.

EARL SAVAGE, is known to have been still infatuated with his divorced wife, Minnie, and is suspected of having lured Whitehorn to the spot, under pretense of getting whiskey for him, and there murdered him, at the instigation of Minnie Savage, and possibly that she assisted in this.

BRYAN GRIFFIN, a worthless young man, working for S. J. Bargin as clerk at the time, but infatuated with Minnie Savage, and bootlegging for her, is suspected of having found her and Whitehorn at the spot for a clandestine meeting, and to have shot Whitehorn in a jealous rage, but this is hardly reasonable.

Then there is the possibility that Whitehorn was shot in a drunken quarrel, as he was quarrelsome at times when drunk, but this is also a remote possibility. It is almost a certainty that Minnie Savage,

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6
7 Hattie, the widow, Earl Savage, Eva and Roy Locklin, Dancel Pugh, Le-
8 roy Smitherman and Bryan Griffin, all or most of them know all about
9 this.

10
11 EVIDENCE AS TO WHEN, WHERE AND BY WHOM MURDER WAS COMMITTED.

12
13 DELILA MASHUNKASHE is reported to have told Mrs. John McKinley and
14 Hattie Smitherman, some five or six months ago, that
15 she was talking to Bryan Griffin when he took a pistol out of his pocket
16 twirled it on his finger, and remarked to her, "This is the gun that
17 killed Charley Whitehorn."

18
19 EVA LOCKLIN told A. W. Comstock, soon after the murder that
20 Earl Savage killed Whitehorn and that her husband,
21 Roy Locklin, knows all about it and Minnie Savage also knows, but is
22 protecting Earl Savage. (These persons named afterward denied this.)

23
24 ROY LOCKLIN told A. G. Matteson that he, Locklin, brought
25 Whitehorn home from Pershing about 2 A. M. Saturday
26 May 21, 1921; that Whitehorn was paralyzed drunk and Locklin and Minnie
27 Savage had carried him into her house between them that morning.
28 (Locklin afterward denied this to Agents.)

29
30 CHAS. KEIGLY told Mr. Warren, of the Agency at Pawhuska, that
31 he, Keigley, heard some of the above named suspected
32 women talking to an attorney in Pawhuska and telling him about who did
33 this murder; that suspects and said attorney did not know he, Keigley,
34 was hearing this.

35
36 MINNIE SMITHERMAN has always denied to Agents that she had any knowl-
37 edge of who committed the crime or why, but one
38 day, off guard, remarked earnestly to Agent Weiss, "I am as smart as
39 you are. I have been warned about you. He says you are just getting
40 into my confidence, into my confidence, and if I tell you you will
41 send me to the electric chair" (She named the man that she claimed
42 warned her.)

43
44 REMARKS:

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46 Agents have not pressed this investigation very far as yet, for
47 the reason that it is an isolated murder and not a part of the system-
48 atic series of murders committed at Fairfax, to-wit: W. T. SMITH.

49
50 NITA SMITH, ANNA BROWN, HENRY ROAN and NETTIE BROOKSHIRE, all of whom
51 were murdered apparently with the expectation of benefiting the BILL
52 HALE and ERNEST BURKHART fortunes. Most of our time, in fact nearly
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